

Approved January 28, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at
Chairperson

9:06 a.m./p.m. on January 27, 1988 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Theresa Kiernan, Emalene Correll and Lila
McClaflin

Conferees appearing before the committee:

Marla Howard, City of Wichita
Willie Martin, Sedgwick County
Ernie Mosher, The League of Kansas Municipalities

Senator Langworthy moved to approve the minutes of the meeting of January 26, 1988. Senator Daniels seconded the motion. The motion carried.

The Chairman opened the hearing on S.B. 485. S.B. 485 was introduced at the request of the Sedgwick County Delegation. The bill relates to the cost of improvements for city-county boundary streets. The Chairman called on Marla Howard, City of Wichita, to explain the bill.

Marla Howard gave the Committee background information regarding why they had requested the bill. She stated it would allow a city to assess the landowners on the county side of a reconstructed boundary road in the same manner they assess the property owners on the city side, and would also extend a city's assessment authority to the county when such assessments are made for boundary street improvements covered under an interlocal agreement. (Attachment I) She presented a proposed amendment that dealt with no assessment being levied against an industrial district. (Attachment II) She requested the Committee's consideration and support for a favorable recommendation.

Willie Martin stated they did not oppose the bill or the proposed amendment.

Ernie Mosher stated this is a situation that they receive a good many questions on. He offered an amendment (Attachment III) and stated with these amendments included, they would support the bill. He asked for some time to review the amendment offered by Ms. Howard, before making a recommendation on it.

Several members of the Committee had questions on the amendment offer by Ms. Howard. The Committee agreed to delay action until such time as Mr. Mosher could make a recommendation on it.

In the absence of the Chairman, the Vice-Chairperson, Senator Langworthy adjourned the meeting at 9:35 a.m. The next meeting will be at 9:00 a.m., Thursday, January 28, 1988.


Chairman, Senator Don Montgomery

THE CITY OF WICHITA



OFFICE OF THE CITY MANAGER
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(316) 268-4351

TO: CHAIRMAN DON MONTGOMERY AND MEMBERS OF
THE SENATE LOCAL GOVERNMENT COMMITTEE

FROM: MARLA J. HOWARD, PUBLIC AFFAIRS OFFICER
CITY OF WICHITA

DATE: JANUARY 27, 1988

RE: SENATE BILL 485, CITY-COUNTY BOUNDARY STREETS

Chairman Montgomery and Members of the
Senate Local Government Committee:

Thank you for providing me with this opportunity to
testify in support of Senate Bill 485 concerning City-County
boundary streets.

There are currently portions of a number of streets that
run along the existing boundary between the City of Wichita
and unincorporated areas of Sedgwick County. The City
maintains and also performs any necessary reconstruction and
improvements to these roads. In the case of major
reconstruction, where the existing pavement is totally removed
and the street rebuilt, existing City policy establishes that
owners within the project's benefit district will be assessed
the cost of a residential street. If the property to be
assessed is actually residential, then the City picks up half
the cost. In any event, any assessment amount over \$2,000 is
deferred.

Normally, the benefit district would include owners on
both sides of the road. However, current law does not allow
either the City or County to assess the property owners on the
county side of the road except under certain circumstances.
At present, the City can include owners of property in the
county in a benefit district for boundary streets if a
majority of owners of record that own more than one-half of
the area liable for special assessment submit a petition for
improvements. This works well for areas under development by

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(A-I)

a developer requesting improvements, but rarely applies in cases of reconstruction or improvement of an existing street. Although K.S.A. 68-572 allows cities, counties and townships to enter into intergovernmental agreements for constructing roads or streets, only the City actually has the ability to issue bonds and assess property for such improvements. Therefore, only the property owners on the city side of the street would be assessed, even though they all benefit. This situation promotes deferral of needed reconstruction of boundary roads until the land on the county side is annexed by the city.

The City of Wichita proposed legislation, Senate Bill 485, that would allow a city to assess the landowners on the county side of a reconstructed boundary road in the same manner we assess the property owners on the city side, and would also extend a city's assessment authority to the county when such assessments are made for boundary street improvements covered under an interlocal agreement.

Other organizations, particularly counties, had some concerns about this proposed legislation. A meeting was held with representatives from other counties, the Kansas Association of Counties and the League of Kansas Municipalities, and the League is here today with some proposed amendments that we believe resolve those concerns. In addition, an industrial district adjacent to the City of Wichita and created under Kansas statute has asked that the bill be amended to provide concurrence by statutorily created industrial districts when they are to be included in an improvement district and I believe Theresa Kiernan has the proposed amendatory language.

The City of Wichita requests your consideration and support for a favorable recommendation on SB 485, with the proposed amendments.

SENATE BILL No. 485

By Senators Francisco, Anderson, Daniels, Feleciano,
Morris and Yost

1-14

0018 AN ACT concerning city-county boundary streets; relating to the
0019 cost of improvements thereof; amending K.S.A. 12-693 and
0020 68-572 and K.S.A. 1987 Supp. 68-506 and repealing the exist-
0021 ing sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 12-693 is hereby amended to read as fol-
0024 lows: 12-693. (a) All cities are hereby authorized to make im-
0025 provements authorized by and in the manner provided for in the
0026 general improvement and assessment law as contained in
0027 chapter 12, article 6a of Kansas Statutes Annotated, in those
0028 unincorporated areas beyond their corporate limits and within
0029 three miles thereof. Before any such improvements shall be
0030 made, the city shall have adopted, in the manner provided by
0031 law, regulations governing the subdivision of land in such unin-
0032 corporated area. Such improvements may be located in a pro-
0033 posed improvement district which is wholly outside the cor-
0034 porate limits of the city or partially within the city limits.
0035 Improvements within such three (3) mile area located in a
0036 proposed improvement district which is wholly outside the cor-
0037 porate limits of the city shall be commenced only upon a petition
0038 signed by both a majority of the owners of record of property and
0039 the owners of record of more than one-half of the area liable for
0040 special assessment under the proposal. ~~Improvements~~ within
0041 such three (3) mile area located in a proposed improvement
0042 district which is partially within the corporate limits of the city
0043 shall be commenced only upon a petition found sufficient by the
0044 provisions of K.S.A. 12-6a04, *and amendments thereto*, except
0045 that for the purpose of determining the sufficiency of the signa-

[Except as provided in subsection (b), improvements

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0046 tures to such petitions only, that area which is outside the
 0047 corporate limits of the city shall be considered to constitute the
 0048 proposed district. Financing of ~~said~~ the improvements, including
 0049 the levying of special assessments, shall be made in the same
 0050 manner as if the improvements were made within the corporate
 0051 limits of the city. In the event the improvements authorized
 0052 hereunder are for water, storm water drain or sanitary sewer
 0053 systems, the city is hereby authorized to impose upon the prop-
 0054 erty served, user fees which may be based upon the cost of the
 0055 operation and maintenance of such improvements and also the
 0056 recovery of an equitable portion of the capital improvement costs
 0057 of any of such improvements originally charged to or assessed
 0058 against property within the corporate limits of such city. The
 0059 user fees herein authorized shall be a lien against the property
 0060 served and may be collected in the same manner as delinquent
 0061 real estate taxes.

0062 ~~(b) / All cities are hereby authorized to construct or recon-~~
 0063 ~~struct boundary roads between the city and county and to assess~~
 0064 ~~the cost thereof against an improvement district which includes~~
 0065 ~~property both inside and outside the corporate limits of the city.~~
 0066 ~~Such improvements to boundary streets hereunder shall be~~
 0067 ~~initiated under the provisions of K.S.A. 12-6a04, and amend-~~
 0068 ~~ments thereto.~~

0069 Sec. 2. K.S.A. 1987 Supp. 68-506 is hereby amended to read
 0070 as follows: 68-506. (a) In counties which have not adopted the
 0071 county unit road system, it shall be the duty of the boards of
 0072 county commissioners with the approval of the county engineers
 0073 in their respective counties, to classify and designate the roads
 0074 and highways within such county within the following classes:
 0075 (1) "Secondary roads or highways" which shall include all
 0076 county roads and highways designated for inclusion in the sec-
 0077 ondary road system in accordance with K.S.A. 68-1701 to 68-
 0078 1704, and amendments thereto;
 0079 (2) "county minor collector roads or highways" which shall
 0080 include all county roads and highways, not designated for inclu-
 0081 sion in the secondary road system, which are main traveled roads
 0082 utilized and designed primarily for the movement of traffic

In the event the area of a proposed improvement district is located partly within and partly outside the city, and provides for the construction, reconstruction or other improvement to roads or streets which lie upon the corporate boundary limits of the city, the governing body of the city and the board of county commissioners of the county may enter into agreements whereby the city may initiate such improvements by the establishment of an improvement district under the provisions of K.S.A. 12-6a04, and amendments thereto. Such agreement shall provide for the proportionate share of the total costs of the improvement which shall be paid by the city and by the county and the share to be paid by the levying of special assessments against the benefitting property within the improvement district. If the proposed boundary line road or street improvement involves a road under the jurisdiction of a township, the governing body of the township may also enter into an agreement with the governing body of the city to contribute a share of the cost of the improvement. Agreements entered into by a city, county or township as to the method and cost sharing of the construction, reconstruction or other improvement to a city boundary line road or street may provide for the sharing of the future costs of maintaining such roads or streets or separate agreements may be entered into pursuant to the provisions of K.S.A. 68-169.

0083 between different areas of the county; and

0084 (3) "township or local service roads" which shall include all
0085 roads and highways not designated for inclusion in the second-
0086 ary road system or as county minor collector roads or highways.

0087 (b) Whenever any county secondary road or highway or
0088 county minor collector road or highway is located partly within
0089 and partly without a city or connects any such road or highway
0090 with a city, by and with the consent of the governing body the
0091 board of county commissioners is hereby given power and au-
0092 thority and required to designate such public road or highway as
0093 a part of the county road or highway system, and it shall be
0094 improved and maintained as other parts of the county road
0095 system, except that the governing body of such city may aid in
0096 the construction, maintenance and improvement of such road or
0097 highway as it would were the road or highway wholly within the [city boundary line
0098 corporate limits of the city *and may improve any such road* [or street

0099 ~~which constitutes a boundary between the city and county in~~
0100 ~~the manner provided by K.S.A. 12-693, and amendments thereto.~~

0101 When a road or highway is being, or has been, improved by the
0102 county where state or federal aid has been extended in the
0103 improvement of such road or highway, and such road or highway
0104 terminates at the city limits, and where a road or highway has
0105 been or shall be constructed with federal aid, which such road or
0106 highway terminates at a state line, and the state line is the
0107 corporate limits of a city within this state, the secretary of
0108 transportation is hereby authorized and empowered to extend
0109 federal aid, and the board of county commissioners, on the
0110 application of the governing body of the city, shall declare such
0111 city through which a street or streets form a connection between
0112 such roads or highways, a benefit district, and shall extend state
0113 aid on that part of the road or highway lying within the city limits
0114 in the same way and in the same manner as they extend aid in the
0115 improvement of the road or highway outside of the city limits.

0116 The secretary of transportation is hereby authorized and em-
0117 powered to cooperate and deal with the governing body of the
0118 city, board of county commissioners, or other interested parties
0119 that provide funds to take care of the local part of the costs of the

0120 improvement of the road or highway lying within the city limits,
 0121 and such improvement shall be under the supervision and di-
 0122 rection of the secretary as provided for in the improvement of
 0123 other roads and highways of like nature in the county.

0124 (c) The county engineer and the boards of county commis-
 0125 sioners may shift road or highway mileage from one county road
 0126 or highway classification to another as continuing study indicates
 0127 that such changes are needed by reason of changing traffic needs
 0128 or for other reasons substantiated by engineering analysis, ex-
 0129 cept that no road or highway mileage may be shifted to or from
 0130 the secondary road system except as provided in article 17 of
 0131 chapter 68 of the Kansas Statutes Annotated and amendments
 0132 thereto.

0133 Sec. 3. K.S.A. 68-572 is hereby amended to read as follows:
 0134 68-572. The board of county commissioners of any county, any
 0135 township board of highway commissioners of the county or city
 0136 governing body within such county are hereby authorized to
 0137 enter into agreements for the construction, reconstruction or
 0138 maintenance of any roads or streets. Such agreements may also
 0139 may provide methods of mutual assistance and cooperation
 0140 whereby the machinery, equipment and employees of the
 0141 county and township may be used for grading or bringing to
 0142 grade township roads by the county or by the county and town-
 0143 ship and the completion and maintenance thereof by the town-
 0144 ship. *Such agreements also may provide that any of the parties*
 0145 *thereto may build, reconstruct or improve boundary roads and*
 0146 *streets between a city and unincorporated areas of the county. A*
 0147 *party so building, reconstructing or improving such a boundary*
 0148 *road or street shall be authorized to make such improvements*
 0149 *and to finance the payment of the cost of the same in the manner*
 0150 *provided for in the general improvement and assessment law as*
 0151 *contained in article 6a of chapter 12 of the Kansas Statutes*
 0152 *Annotated and K.S.A. 12-693, and amendments thereto. That*
 0153 *portion, if any, of the cost of such improvements which are to be*
 0154 *paid by the city at large, as opposed to by assessment against an*
 0155 *improvement district, shall be paid for as provided by the*
 0156 *parties in the agreement.* Any such agreement between a county

for the improvement and maintenance of city boundary line
 roads or streets in accordance with the provisions of K.S.A.
 12-693, and amendments thereto.

0157 and a township may require the county engineer, and it is hereby
0158 made ~~his~~ *the county engineer's* duty in conformity therewith, to
0159 make all necessary surveys for the laying out or bringing to grade
0160 any of such township roads.

0161 Sec. 4. K.S.A. 12-693 and 68-572 and K.S.A. 1987 Supp. 68-
0162 506 are hereby repealed.

0163 Sec. 5. This act shall take effect and be in force from and
0164 after its publication in the statute book.

Proposed Amendment to SB 485

On page 2, in line 65, following the period, by inserting "No assessment shall be levied against an industrial district pursuant to this subsection, unless such district first approves the amount of such assessment.";